Docket No.: 0992-0127P

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Yuji SAWADA et al.

Application No.: 10/069,001 Confirmation No.: 4536

Filed: February 20, 2002 Art Unit: 1745

For: LAMINATE, PROCESS FOR PRODUCING IT Examiner: R. Alejandro

AND USE THEREOF

PETITION UNDER 37 CFR 1.181 OR 1.182 REQUESTING RESET OF PERIOD FOR REPLY DUE TO LATE RECEIPT OF AN OFFICE ACTION (MPEP § 710.06)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition to have the time period for reply to the Office Action (which has printed on the first page a date of February 12, 2007, hereinafter referred to as the "outstanding Office Action) be reset in connection with the above-identified application. It will be shown by the evidence discussed below that Applicants' representative, Birch, Stewart, Kolasch & Birch, LLP, never received a postcard notice, e-mail notice or the outstanding Office Action. It was only through a routine check of PAIR on July 12, 2007 that Applicants' representative became aware that the outstanding Office Action existed.

It was noted on July 12, 2007 that two Office Actions were entered into the official electronic file in PAIR for the instant application by the PTO clerks on February 12, 2007, one for the instant application and one for an unrelated application Serial No. 10/762,008 which is being handled by a different law firm (Renner, Otto, Boisselle & Sklar, LLP). Thus, it is reasonable to believe that the E-mail Notification dated February 14, 2007 in the "Transaction

Birch, Slewart, Kolasch & Birch, LLP MSW/GMD/mua

Application No.: 10/069,001 Docket No.: 0992-0127P

History" information in the official electronic file in PAIR for the instant application was actually sent to Renner, Otto, Boisselle & Sklar, LLP.

As evidence to support the present Petition, attached hereto are:

Exhibit I is a copy of the front page of the file jacket of Appl. No. 10/069,001 (which corresponds to Attorney Docket No. 0992-0127P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated February 12, 2007 on the front page of the file jacket of the above-referenced application.

Exhibit II is a copy of the computer-generated daily docket sheet(s) of Birch, Stewart, Kolasch & Birch, LLP for the date of May 12, 2007 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, Titles, Client Names, and Inventor Names have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of May 12, 2007 which corresponds to the current application, Attorney Docket No. 0992-0127P.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets for the due date of May 12, 2007 and did not locate an entry that corresponds to Appl. No. 10/069,001 to inventors Yuji SAWADA and Yasushi NAKASHIMA.

Since the outstanding Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition.

Application No.: 10/069,001 Docket No.: 0992-0127P

Since this Petition is being timely filed within two weeks of the discovery of the outstanding Office Action (as required by MPEP 710.06), Applicants respectfully request:

- A) the time period for reply be reset to run from July 12, 2007, i.e., the date of the discovery of the Office Action;
- B) the Office Action which is currently in the official electronic file of the instant application in connection with the unrelated application Serial No. 10/762,008 which is being handled by a different law firm (Renner, Otto, Boisselle & Sklar, LLP) be removed from the official electronic file of the instant application; and
- C) if any extension fees or Petition fees have been charged to the Deposit Account No. 02-2448 of Applicants' representative for entry and consideration of this Petition, that these fees be credited back to the Deposit Account.

If the Examiner has any questions regarding the above matters, please contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to <u>Deposit Account No. 02-2448</u> for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: July 23, 2007 Respectfully submitted,

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachment(s): Exhibits I and II

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Monday, May 14, 2007	4,2007	Due Date List By Floor	By Floor			Page: 27
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14-May-2007 Due Date	AMENDMENT OA I	0425-1025 / United States of America	Published		07-Apr-2003 JWB TJS	JWB TJS
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